

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DANIEL W. PHOENIX,

Plaintiff,

v.

Civil Action No. 3:23cv334

HAROLD CLARKE, et al.,

Defendants.

MEMORANDUM OPINION

On June 15, 2023, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on July 18, 2023, the Court directed Plaintiff to pay an initial partial filing fee of \$95.17 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within thirty (30) days of the date of entry thereof. See 28 U.S.C. § 1915(b)(1). Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order shall issue.

Date: 8-30-2023
Richmond, Virginia

/s/ M. Hannah Lauck
United States District Judge